

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

OSCAR L. FINLEY,

Plaintiff,

v.

CIVIL ACTION NO. 2:14-cv-26206

GOVERNOR EARL RAY TOMBLIN, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Plaintiff's "Notice of Intent to File Civil Rights Complaint," (ECF No. 1), and Application to Proceed without Prepayment of Fees and Costs ("IFP Application"), (ECF No. 4). By Standing Order entered in this case on September 25, 2014, this action was referred to United States Magistrate Judge Dwane L. Tinsley for initial screening and submission of proposed findings and a recommendation for disposition ("PF&R"). Magistrate Judge Tinsley filed his PF&R on March 27, 2017, recommending that this Court deny Plaintiff's IFP Application and dismiss this case pursuant to the three strikes provision of 28 U.S.C. § 1915(g). (ECF No. 7.)

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Plaintiff's right to appeal this Court's order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.

1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R in this case were due on April 13, 2017. To date, no objections have been filed. Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 7), **DENIES** Plaintiff’s IFP Application, (ECF No. 4), **DISMISSES** this civil action **WITHOUT PREJUDICE**, and **DIRECTS** the Clerk to remove this matter from the Court’s docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: April 25, 2017



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE